

REMARKS

Upon entry of the instant amendment, claims 3-4 have been pending in this application.

In the instant amendment, claims 1-2 and 5-6 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed.

Further, the instant amendment does not raise substantial new issues for the Examiner's consideration nor require further search on the Examiner's part. At the same time, the instant amendments put the pending claims in condition for allowance and into a more proper format for issuance in a United States patent, by overcoming all outstanding rejections and objections of record.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

Claim Rejections - 35 U.S.C. § 102 and § 103

In the Office Action, at page 2, claims 1, 2 and 5 have been rejected under 35 USC § 102(e) as being anticipated by Boveja US '487 (US 2005/0131487). Further, claim 6 has been rejected under 35 USC § 103(a) as being unpatentable over Boveja US '487 in view of Firlik US '351 (US 7,010,351). These rejections are respectfully traversed.

In the instant amendment, the rejected claims (i.e., claims 1-2 and 5-6) have been cancelled.

Thus, each of these rejections has been overcome. Accordingly, Applicants respectfully request that the Examiner withdraw each of these rejections.

Allowed Claims

Claims 3 and 4 are allowed in the Office Action.

As explained above, since all the rejected claims have been canceled, all the pending claims have been put in condition for allowance.

Information Disclosure Statement (IDS)

Applicants note that an IDS was filed on May 23, 2007, wherein two (2) international publications (i.e., WO 97/45160 and WO 96/40367) were listed.

The Examiner is respectfully requested to consider the international publications and initial the PTO/SB/08A/B form submitted with the IDS.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims are allowed under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, Ph.D. (Reg. No. 40,069) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

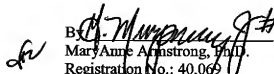
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Appl. No.: 10/540,386
Amendment dated August 20, 2007
Office Action dated May 22, 2007

Docket No.: 3749-0105PUS1P
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Respectfully submitted,

for  #28977
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